IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY NINETH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 17458 of 2004

Between:

1 Danabala @ Danaboina Krishnaiah, S/o. Late Appanna,
D.No. 9-121, Peda Madaka (Post) R.H. Colony, Aganpudi - 2,
Visakhapatnam District.
2 Penpothula Chellayamma, W/o. Late Tatalu,
Peda Madaka (Post & Village), D.No. 9-1221, R.H. Colony,
Agnapudi -2, Visakhapatnam District.
3 Chilla Rajeswaramma, D/o. Late Chilla Appalaswamy Reddy,
Duvvada Post and Village, Sector II, R.H.C. Visakhapatnam District.

..... PETITIONER(S)

AND

1 The District Collector, Visakhapatnam, Visakhapatnam District.
2 The Mandal Revenue Officer, Parwada Mandal, Parwada, Visakhapatnam District.
3 The Mandal Revenue Officer, Gajuwaka Mandal, Visakhapatnam District.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to declare the action of the Respondents in interfering with the possession of the petitioner's land sin Sy.No. 32/1, 32/2, 32/3 of Marripalem Village of Parwada Mandal of an extent of 25 acres is illegal and arbitrary and consequently issue a Writ, Order, direction more particularly one in the nature of Writ of Mandamus directing the respondents not to interfere with the possession of the petitioners with respect to the lands in Sy.No. 32 of Marripalem Village of Parwada Mandal of an extent of 25 acres, unless due process of law and to pass

Counsel for the Petitioner :MR.G.RAMA GOPAL

Counsel for the Respondent No.: GP FOR REVENUE

The Court made the following :

ORDER:

Heard the counsel on either side and with their consent the writ petition itself is disposed of at the stage of admission.

On the very same cause of action, this court in W.P.No.14202 of 2004 dated 12.8.2004, dismissed the petition filed by the petitioners. After the dismissal of the writ petition, the petitioners submitted a representation on 18.9.2004 before the District Collector alleging that the Joint Collector and other revenue officials entered into their land and tried to take possession of the same without notice to them to change the land to pharmacy lay out, followed by another representation dated 20.9.2004.

In view of the same, it is for the District Collector to consider the said representations made by the petitioners and the petitioners cannot presume that the respondents will not follow the due procedure for taking possession of the property belonging to the petitioners on their mere allegations.

The writ petition is dismissed. The District Collector is directed to consider the said representations made by the petitioners and pass appropriate orders. As and when the petitioners are dispossessed from the suit schedule lands, they can avail the remedies available under law. No costs.

29.9.2004

CVM

To,

1 The District Collector, Visakhapatnam, Visakhapatnam District.
2 The Mandal Revenue Officer, Parwada Mandal, Parwada, Visakhapatnam District.
3 The Mandal Revenue Officer, Gajuwaka Mandal, Visakhapatnam District.

4 2 CCs to G.P. for Revenue, High Court of A.P., Hyderabad (OUT).

5. 2 CD copies.